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on Friday, 25 September 1998, at 3.15 p.m.

President: Ms. LAJOUS VARGAS (Mexico)

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[*] GC(42)/20.

The composition of delegations attending the session is given in document GC(42)/INF/13/Rev.3.

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Abbreviations used in this record

CD	United Nations Conference on Disarmament
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CTBTO PrepCom	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization
FMCT	fissile material cut-off treaty
NATO	North Atlantic Treaty Organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review and Extension Conference	Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
P-5	The five permanent members of the United Nations Security Council
PLO	Palestine Liberation Organization
START	Treaty on the Reduction and Limitation of Strategic Offensive Arms

ORAL REPORT BY THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

1. Mr. JOSEPH (Australia), Chairman of the Committee of the Whole, presenting the Committee's report on agenda items 5(c), 5(d) and 9 to 16, said that the Committee had had very fruitful and constructive discussions and that all recommendations being made thus far had been adopted by consensus.

2. Under item 5(c), "Criteria or guidelines for consideration of requests for the restoration of voting rights", the Committee recommended that the Conference adopt the draft resolution in document GC(42)/28.

3. Under item 5(d), "Streamlining the work of the General Conference", the Committee recommended that the Conference approve the recommendations contained in document GC(42)/4.

4. Under item 9, "The Agency's accounts for 1997", the Committee recommended that the Conference adopt the draft resolution on page I of document GC(42)/6.

5. Under item 10, "The Agency's programme and budget for 1999 and 2000", the Committee recommended that the Conference adopt draft resolutions A and C in Annex I to document GC(42)/7 and draft resolution B in document GC(42)/7/Mod.1.

6. Under item 11, "Scale of assessment of Members' contributions towards the Regular Budget", the Committee recommended the adoption by the Conference of the draft resolution on page 3 of document GC(42)/13.

7. Under item 12, "Measures to strengthen international co-operation in nuclear, radiation and waste safety", the Committee recommended that the Conference take note of the information contained in documents GC(42)/INF/5, GC(42)/INF/6 and GC(42)/INF/6/Add.1 and adopt the draft resolutions on the Convention on Nuclear Safety, "Measures to address the year 2000 (Y2K) issue", the safety of radiation sources and the security of radioactive materials, the safety of transport of radioactive materials and the Study of the Radiological Situation at the Atolls of Mururoa and Fangataufa contained in documents GC(42)/31, GC(42)/32, GC(42)/33, GC(42)/38 and GC(42)/39 respectively.

8. Under item 13, "Strengthening of the Agency's technical co-operation activities", the Committee recommended that the Conference adopt the draft resolution in document GC(42)/42.

9. Under item 14, "Plan for producing potable water economically", the Committee recommended the adoption by the Conference of the draft resolution in document GC(42)/35. It had agreed to discuss at the General Conference's next session whether the item in question should thenceforth be considered on a biennial basis.

10. Under item 15, "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol", the Committee recommended that the Conference adopt the draft resolution in document GC(42)/37.

11. Under item 16, "Measures against illicit trafficking in nuclear materials and other radioactive sources", the Committee recommended that the Conference adopt the draft resolution in document GC(42)/34.

12. Informal consultations regarding item 17, "Article VI of the Statute", were still under way. He would report to the Conference in that connection later.

13. He thanked the Conference for the confidence it had placed in him and expressed his gratitude to the Vice-Chairman of the Committee, Ambassador Umer of Pakistan, for ably presiding over part of the Committee's proceedings. He also thanked all participants in the Committee's deliberations, particularly those who had helped to produce consensus draft resolutions on some of the more contentious issues.

14. The PRESIDENT invited the Conference to take one by one the items which the Committee of the Whole had considered.

Arrangements for the Conference

(c) Criteria or guidelines for consideration of requests for the restoration of voting rights (agenda item 5(c))

15. The draft resolution in document GC(42)/28 was adopted.

(d) Streamlining the work of the General Conference (agenda item 5(d))

16. The PRESIDENT took it that the Conference wished to approve the recommendations contained in document GC(42)/4.

17. It was so decided.

The Agency's accounts for 1997 (agenda item 9)

18. The draft resolution on page I of document GC(42)/6 was adopted.

The Agency's programme and budget for 1999 and 2000 (agenda item 10)

19. Draft resolutions A and C in Annex I to document GC(42)/7 and draft resolution B in document GC(42)/7/Mod.1 were adopted.

Scale of assessment of Members' contributions towards the Regular Budget (agenda item 11)

20. The draft resolution on page 3 of document GC(42)/13 was adopted.

Measures to strengthen international co-operation in nuclear, radiation and waste safety (agenda item 12)

21. The PRESIDENT took it that the Conference wished to take note of the information contained in documents GC(42)/INF/5, GC(42)/INF/6 and GC(42)/INF/6/Add.1 and to adopt the draft resolutions contained in documents GC(42)/31, GC(42)/32, GC(42)/33, GC(42)/38 and GC(42)/39.

22. It was so decided.

Strengthening of the Agency's technical co-operation activities (agenda item 13)

23. The draft resolution in document GC(42)/42 was adopted.

Plan for producing potable water economically (agenda item 14)

24. The draft resolution in document GC(42)/35 was adopted.

Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol (agenda item 15)

25. The draft resolution in document GC(42)/37 was adopted.

Measures against illicit trafficking in nuclear materials and other radioactive sources (agenda item 16)

26. The draft resolution in document GC(42)/34 was adopted.

Article VI of the Statute

27. The PRESIDENT proposed that consideration of item 17, "Article VI of the Statute", be taken up at a later stage.

28. It was so agreed.

NUCLEAR TESTING
(GC(42)/2/Add.1; GC(42)/26 and GC(42)/36; GC(42)/26/Rev.1/Mod.1)

29. The PRESIDENT noted that the item had been included in the agenda pursuant to Rule 13 of the Rules of Procedure of the General Conference and that, pursuant to Rule 20, an explanatory memorandum had been attached to document GC(42)/2/Add.1. She drew attention to the draft resolution contained in document GC(42)/26/Rev.1/Mod.1 and to the amendments proposed by India in document GC(42)/36 to the draft resolution contained in document GC(42)/26.

30. Mr. TIWARI (India) said that the subject now before the Conference had already been discussed by the Board of Governors, which had been unable to reach a consensus. As

the subject was of great political importance to India, he wished to make a general statement before any draft resolution was introduced, chiefly for the benefit of participants in the current General Conference session who had not been present during the discussion in the Board.

31. Mr. UMER (Pakistan), expressing support for the request made by the Ambassador of India, said that in his view there should first be a general discussion. The subject had enormous political and security implications, and the item had been thrust upon the Conference despite an already overcrowded agenda.

32. The PRESIDENT invited the Ambassador of India to open the general discussion.

33. Mr. TIWARI (India) said that the limited series of five underground nuclear tests that India, as a sovereign and responsible nation, had carried out four months previously for strategic and security reasons had given rise to considerable debate in major international forums, including the Agency's Board of Governors at its June 1998 meetings. There had been a deliberate attempt to portray the tests as impulsive and out of step with world opinion, but his country had taken the decision in question with due care and deliberation, mindful of its consequences and aware of the obligations of India as a committed member of the United Nations.

34. The Prime Minister of India had reminded participants in the twelfth summit of the Non-Aligned Movement, held in Durban in September 1998, that disarmament had been a cornerstone of Indian foreign policy ever since the country had achieved independence. He had assured them that India's conviction that a nuclear-weapon-free world would enhance the security of all nations was just as strong as when India had called for negotiations to prohibit and eliminate nuclear weapons in 1954. That goal had proved elusive, however, and the 1963 Partial Test Ban Treaty had driven testing underground.

35. India and a number of other non-aligned countries had in 1978 tabled, at the United Nations General Assembly's first special session on disarmament, a resolution declaring that the use of nuclear weapons should be considered a crime against humanity. That resolution had been followed in 1982, at the second special session, by a draft convention on the non-use of nuclear weapons. The five nuclear-weapon States and their allies were still opposing that resolution, and they had recently opposed the Indian proposal that the use of nuclear weapons be included among the war crimes falling within the jurisdiction of the proposed International Criminal Court. At the General Assembly's third special session on disarmament, in 1988, India had put forward an action plan, involving a step-by-step approach to the verifiable elimination of all nuclear weapons, for the establishment of a nuclear-weapon-free and non-violent world order - an initiative dismissed by the nuclear-weapon States as "utopian".

36. India had supported Mexico's call for conversion of the Partial Test Ban Treaty into a comprehensive test ban treaty and had played a leading role in the initiative that had in 1996 culminated in the historic Advisory Opinion of the International Court of Justice regarding the illegality of the threat of use of nuclear weapons. India had welcomed the Court's affirmation that there was an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all aspects under strict and effective international control.

In that connection, it might be recalled that at about the same time the Canberra Commission on the Elimination of Nuclear Weapons had declared that "the opportunity now exists, perhaps without precedence or recurrence, to make a new and clear choice to enable the world to conduct its affairs without nuclear weapons."

37. India's position regarding nuclear non-proliferation had been a consistent one. India had been the first country to call for a ban on nuclear testing (in 1954), for a non-discriminatory treaty on non-proliferation (in 1965), for a treaty on the non-use of nuclear weapons (in 1978), for a nuclear freeze (in 1982) and for a phased programme for the complete elimination of nuclear weapons (in 1988). Most of those initiatives had been rejected by the nuclear-weapon States, which still considered nuclear weapons to be essential for their security. The nuclear-weapon States had distorted India's underlying philosophy and, in 1968, produced the NPT.

38. The NPT divided the world into nuclear-weapon States, whose possession of nuclear weapons was legitimized, and non-nuclear-weapon States, which voluntarily renounced the possession of such weapons. Also, it in effect arbitrarily defined nuclear-weapon States as States which had carried out a first nuclear weapons test before 1968.

39. The NPT provided for the imposition of comprehensive safeguards on non-nuclear-weapon States, whereas the five nuclear-weapon States had committed themselves only to cessation of the nuclear arms race at an early date. Violators of comprehensive safeguards had been severely punished, but no punishment was envisaged for nuclear-weapon States which failed to move towards nuclear disarmament.

40. India had consistently denounced the NPT as a discriminatory treaty which allowed five countries to proliferate vertically in disregard of universal opinion opposed to the very existence of nuclear weapons. The nuclear-weapon States had made no progress whatsoever towards general and complete disarmament, and they had even failed to honour the undertaking to prevent the transfer of nuclear materials and technology for non-peaceful purposes.

41. The NPT Review and Extension Conference had not addressed the legitimate concern felt by non-nuclear-weapon States at the lack of progress towards nuclear disarmament. Moreover, the indefinite extension of the NPT, coupled with persistently large stockpiles of nuclear weapons and the unabated development of nuclear technology, had created further imbalance and inequity. Nuclear weapons technology had continued to be transferred from the declared nuclear-weapon States to their preferred clients. That had happened in India's backyard, and India had found itself in the unique position of being sandwiched between an overt and a covert nuclear-weapon State.

42. The CTBT, on which negotiations had begun in 1993, was intended to contribute effectively to the non-proliferation of nuclear weapons in all aspects, to the process of nuclear disarmament and hence to international peace and security. India had participated constructively in the negotiations, proposing that the treaty be linked to a time-bound programme for the universal elimination of nuclear weapons. Its proposals had regrettably

been rejected, and hence the contemplated linkage between the CTBT and nuclear disarmament had failed to materialize. During the negotiations, in 1996, India had stated for the first time that the nuclear issue was a national security concern for it and one of the reasons for its inability to accede to the CTBT. At the last minute, presumably in response to that statement, the nuclear hegemons had inserted into the treaty a clause urging India and 43 other States to become parties. The clause in question violated the Vienna Convention on the Law of Treaties, since a State could not be required to incur obligations under a treaty to which it was unwilling to be a party.

43. India's recent nuclear tests had taken place in an increasingly threatening geopolitical environment characterized by overt and covert nuclearization of its neighbourhood. Since May, India had redefined its security parameters and its disarmament and non-proliferation initiative. It had made policy announcements and put forward proposals that constituted a sound framework for dialogue with other countries, especially the nuclear-weapon States, with a view to establishing a rational, universal and non-discriminatory nuclear disarmament system.

44. A key principle of India's position was the right of every nation to self-defence, as enshrined in the Charter of the United Nations. Every government had a duty to take adequate and legitimate self-defence measures, and the testing of nuclear weapons by India was an important component of its defence strategy. The only purpose of the tests had been to avert nuclear threats and coercion and thus to preserve peace and stability. India would not be the first to use nuclear weapons against another State, and it was willing to enter into formal treaty obligations in that regard. The tests had not been directed against any particular country; they merely represented a rational reaction to a nuclearized environment.

45. He submitted that the time between India's tests and Pakistan's had been too short for Pakistan to fabricate the devices detonated by it and prepare them for testing, and that those devices had existed before India's tests, contributing to the deterioration in the South Asia security environment which had persuaded India to conduct its tests. The tests carried out by Pakistan had merely confirmed the existence of its nuclear weapons; covert possession had become overt possession.

46. The sole objective of the Indian tests had been to ensure India's security through the creation of a minimal but credible deterrent capability. India was not striving to achieve nuclear parity with any other country, and it had no wish to enter into a nuclear arms race.

47. India's voluntary moratorium on further testing and willingness to move towards *de jure* formalization of that moratorium were fully in line with the basic requirements of the CTBT, which - *inter alia* - prohibited States parties from conducting "any nuclear weapon test explosion or any other nuclear explosion". In 1996 there had been a strong national consensus in India against accession to the CTBT, as it had been felt that the text did not address India's security concerns. Significant changes had occurred since then; in particular, the nuclear tests carried out by India had provided it with an assured security capability and thus the rationale for its voluntary moratorium.

48. India had indicated its willingness to engage in negotiations on an FMCT in the Conference on Disarmament. Also, it had declared that it would continue to impose stringent export controls on nuclear and missile-related technologies and on other technologies relating to weapons of mass destruction. Unlike some States parties to the NPT, India had an impeccable record in that sphere, and it was willing to impose even more stringent controls in keeping with international guidelines in the light of discussions with relevant interlocutors. An important point in that connection was that India wished to become integrated into certain areas of international civilian high-technology commerce and industry where it had encountered various obstacles in the past. India had embarked on a dialogue with a number of key countries on the issues involved, and it would be unfortunate if discordant signals from various quarters produced adverse effects on what was a forward-looking and consensus-seeking approach.

49. India attached great importance to its role as a member of the Non-Aligned Movement, a majority of whose members were also Agency Member States. At the Movement's recent summit in Durban, the Heads of State or Government present had reiterated their belief that with the end of the Cold War there was no justification for the maintenance of nuclear arsenals or for concepts of international security based on the promotion and development of military alliances and policies of nuclear deterrence. Also, they had stated that the current situation whereby the nuclear-weapon States insisted that nuclear weapons provided unique security benefits and at the same time claimed the sole right to own such weapons was discriminatory, unstable and unsustainable. In addition, they had expressed their concern at the slow pace of progress towards nuclear disarmament, which constituted their primary disarmament objective. Recalling that at its summit in Cartagena the Non-Aligned Movement had called for the adoption of an action plan for the elimination of nuclear weapons within a time-bound framework, they had called for the holding of an international conference, preferably in 1999, with a view to the conclusion, before the end of the century, of an agreement on a phased programme for the complete elimination of nuclear weapons within a specified time framework - an agreement which would prohibit the development, production, acquisition, testing, stockpiling, transfer, use and threat of use of nuclear weapons and provide for the destruction of all nuclear weapons.

50. The previous week, in the United Nations General Assembly, the Prime Minister of Pakistan had stated:

> "... In a nuclearised South Asia, CTBT would have relevance if Pakistan and India are both parties to the Treaty. The Non-Aligned Summit has called for universal adherence to the CTBT, especially by the nuclear weapon states. This demand is consistent with the Treaty's requirement, that all nuclear capable states, including India, must adhere to the CTBT before it can come into force. Pakistan will oppose any attempt to change this fundamental requirement at the Conference of States Parties to the Treaty scheduled to be held in September 1999. Such a change can only be made by consensus. Pakistan is therefore, prepared to adhere to the CTBT before this Conference. However, Pakistan's adherence to the Treaty will take place only in conditions free from coercion or pressure.

"In this regard, we expect that the arbitrary restrictions imposed on Pakistan by multilateral institutions will be speedily removed. We also expect that discriminatory sanctions against Pakistan will be lifted. And we count on the full support of the world's community for a just resolution of the Jammu & Kashmir dispute.

"On the nuclear issue, Pakistan will insist on the principle of equal treatment with India, be it in terms of status or any kind of incentives. It must also be well understood that if India were to resume nuclear testing, Pakistan will review its position, and in case we have adhered to the CTBT, invoke the supreme interests clause as provided under Article Nine of the Treaty."

51. On 24 September, also in the General Assembly, the Prime Minister of India had stated the following:

"India, having harmonised its national imperatives and security obligations and desirous of continuing to cooperate with the international community is now engaged in discussions with key interlocutors on a range of issues, including CTBT. We are prepared to bring these discussions to a successful conclusion, so that the entry into force of the CTBT is not delayed beyond September 1999. We expect that other countries, as indicated in Article XIV of the CTBT, will adhere to this Treaty without condition."

52. On 23 September, after a bilateral meeting in New York, the Prime Ministers of India and Pakistan had issued a joint statement reaffirming their common belief that an environment of durable peace and security was in the supreme interest of both India and Pakistan, and of the region as a whole, expressing their determination to renew and reinvigorate efforts to secure such an environment and agreeing that the peaceful settlement of all outstanding issues, including Jammu and Kashmir, was essential for that purpose.

53. The Secretary-General of the United Nations had recently made the following statement of relevance:

"I commend, with great satisfaction, the announcement by the Prime Minister of India today of his Government's readiness to successfully conclude their ongoing discussions on the CTBT so that the entry into force of the Treaty - for which the ratification of 44 states, including India, is necessary - is not delayed beyond September 1999. Following the announcement made by the Prime Minister of Pakistan yesterday, India's statement increases the momentum for implementing, under international law, the ban on the testing of nuclear explosive devices in all environments.

"It is also most gratifying to note that both States are participating in the negotiations at the Conference on Disarmament to ban the production of fissile material for nuclear weapons or other nuclear explosive devices. These are encouraging developments for the world's progress towards nuclear disarmament and nuclear non-proliferation.

"I am also happy to note the announcement by the Prime Ministers of India and Pakistan of their intention to resume their dialogue and seek a peaceful solution to their bilateral problems, including Kashmir. I am encouraged by the desire expressed by both leaders to make every effort to remove the sources of tension in their relations."

54. A statement attributable to the spokesman for the President of the fifty-third session of the United Nations General Assembly had read as follows:

"The President of the fifty-third session of the General Assembly has been greatly encouraged by the announcements made by the Prime Ministers of both Pakistan and India in the course of the general debate, indicating the readiness of both Governments to work towards the speedy conclusion of discussions towards their respective signing of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), thereby heeding the concerns of the international community and increasing the momentum for the total global ban on the testing of nuclear weapons.

"The timing of these announcements, which coincided with the second anniversary of the opening for signature of this Treaty, is particularly gratifying as it considerably increases the likelihood of a speedy entry into force of this important element in the efforts towards the end of the arms race, nuclear non-proliferation and disarmament."

55. In the positive climate that was now emerging, nothing should be done to vitiate the atmosphere, to retard further progress or to reverse the progress which had been made.

56. In view of the very positive developments he had alluded to, and given the fact that the Agency was an inappropriate forum in which to discuss nuclear testing matters, he hoped that the draft resolution which was about to be introduced would be rejected by the General Conference.

57. Mr. UMER (Pakistan) said that the Agency's first Director General, Sterling Cole, would have been surprised at the direction being taken by the Agency as it strayed from its central purpose - namely, to confer upon the human race the blessings of atomic energy. Also, he would have reacted with disbelief to the General Conference's present agenda, which contained a whole range of items that ran counter to that central purpose. The General Conference was now seized of matters which could not, by any stretch of the imagination, be regarded as having something to do with conferring the blessings of atomic energy upon the human race. The General Conference was becoming increasingly indistinguishable from the United Nations General Assembly - even from the Security Council. The Agency was involving itself in matters in which it had no competence and of which it had little understanding.

58. The subject of nuclear testing was alien to the statutory objectives of the Agency as a specialized technical organization, and it was likely, as had happened during the Board's June meetings, to generate much political rhetoric and puritanical grandstanding. Consideration of the subject by the General Conference would not promote the spirit of co-operation and understanding and the convergence of interests which were so necessary for achievement of

the Agency's statutory objectives. Moreover, it would amount to belittlement of the sincere and serious steps which Pakistan had taken since the events of May, in no way expediting the consultations which Pakistan was conducting with the major Powers - particularly the United States.

59. Pakistan had taken a number of important steps during the previous few months. Shortly after its tests, it had declared a unilateral moratorium on testing and had offered to conclude a regional test-ban treaty with India. It had invited India to conclude a non-aggression pact on the basis of a just settlement of the Kashmir dispute, suggesting that pending the conclusion of such a pact the two countries should reaffirm their commitment to the provisions of the United Nations Charter relating to the non-use of force.

60. Pakistan believed that a ban on the production of fissile materials would best be promoted through a universal and non-discriminatory treaty negotiated in the Conference on Disarmament, not through unilateral measures. Accordingly, on 30 July Pakistan's representative in the Conference on Disarmament had made the following statement:

> "During discussions in Islamabad last week, Pakistan and the United States agreed to support the immediate commencement of negotiations on a non-discriminatory, universal and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. To this end, Pakistan will join the United States and other CD members in promoting a decision for the establishment, at this session, of an Ad hoc Committee of the Conference on Disarmament to negotiate such a Treaty on the basis of the report and mandate contained in document CD/1299, dated 24 March 1995 (the Shannon Report).
>
> "In the course of the negotiations in the Ad hoc Committee, Pakistan will, as envisaged in the Shannon Report, raise its concerns about and seek a solution to the problem of unequal stockpiles."

61. While that statement clearly reflected Pakistan's support for an FMCT, his country believed that a treaty which simply served the interests of those in possession of vast surpluses of such material would not contribute to nuclear disarmament. An FMCT must address the issue of the existing asymmetries in stockpiles, at the global and the regional level, and outline how stockpiles could be gradually reduced. In other words, an FMCT must address the vertical as well as the horizontal dimensions of the problem. A simple cut-off, unaccompanied by the gradual equalization and elimination of stockpiles, would merely legitimize the vast existing stocks of deadly fissile material.

62. Earlier in the current month, the Government of Pakistan had submitted the CTBT issue to Parliament. On 11 September, the Foreign Minister had made the following statement to a joint session of Parliament:

> "This joint session of Parliament has been convened to discuss the important issue of the Comprehensive Test Ban Treaty commonly known as CTBT. The debate is being initiated at the request of the Government to reaffirm its faith in the democratic process.

> We wish to share our thinking on this important issue with the representatives of the people in an open and sincere manner and take their views into account before reaching a final decision."

63. Pakistan had no difficulty, in principle, with the CTBT. It had participated actively in the negotiations on it in the Conference on Disarmament and had voted in favour of its adoption in the General Assembly. However, Pakistan would not accept the CTBT in an atmosphere of coercion. The sanctions imposed on Pakistan after its tests were unjustified. Those tests had been carried out by Pakistan in self-defence, in order to restore the strategic balance in South Asia. Pakistan was entitled to expect a non-discriminatory international approach to the South Asia nuclear issue. The absence of such an approach had to a great extent been responsible for the nuclearization of South Asia, and its continued absence would only make matters worse.

64. On 23 September, Pakistan's Prime Minister had made the following statement in the United Nations General Assembly:

> "Pakistan has consistently supported the conclusion of a CTBT for over 30 years. We voted for the Treaty when it was adopted by the UN General Assembly in 1996. We have declared a moratorium on further testing; so has India. There is no reason why the two countries cannot adhere to the CTBT. In a nuclearized South Asia, CTBT would have relevance if Pakistan and India are both parties to the Treaty. The Non-Aligned Summit has called for universal adherence to the CTBT, especially by the nuclear weapon states. This demand is consistent with the Treaty's requirement that all nuclear capable states, including India, must adhere to the CTBT before it can come into force. Pakistan will oppose any attempt to change this fundamental requirement at the Conference of States Parties to the Treaty scheduled to be held in September 1999. Such a change can only be made by consensus. Pakistan is, therefore, prepared to adhere to the CTBT before this Conference. However, Pakistan's adherence to the Treaty will take place only in conditions free from coercion or pressure."

65. That statement had been welcomed by the Secretary-General of the United Nations, the President of the General Assembly and the Executive Secretary of the CTBTO PrepCom.

66. Pakistan, which had repeatedly declared at the highest level that it was not interested in exporting sensitive nuclear technology, remained opposed to the transfer of such technology. It had expressed its readiness to discuss the administrative and regulatory measures necessary for implementation of its policy in that respect, and on 25 August the United States and Pakistan had agreed that expert discussions should start soon. The discussions in question had already started.

67. Pakistan wanted nuclear stabilization - not an arms race - in South Asia, and for over two decades it had endeavoured to banish the spectre of nuclear weapons from the region. It had made a series of proposals aimed at preventing nuclear proliferation there, and it had warned the international community of the dangerous consequences of the so-called peaceful nuclear explosion conducted by India in 1974. Its warnings had been conveniently ignored.

68. The Indian tests of 11 and 13 May had been followed by threatening statements asserting that the strategic relationship had been altered, that India would deploy nuclear weapons, that the Indian tests had implications for the settlement of the Jammu and Kashmir dispute, and that India would launch hot-pursuit attacks across the line of control. Pakistan had not been able to ignore those statements.

69. Failure on the part of Pakistan to demonstrate its capabilities would have eroded the delicate psychological judgements on which deterrence was based, and might have had disastrous consequences. Pakistan had been obliged to carry out its tests in the interest of maintaining mutual deterrence and preserving peace in the region. Given the vast imbalance in conventional capabilities in South Asia, it had had no choice.

70. Deterrence had been a central principle of military planning since ancient times. It eliminated the need to wage war, and had led to peace over long periods of time in areas of conflict by preventing provocation. The advent of nuclear weapons had brought a new dimension to deterrence. Since 1945, a succession of United States defence strategists had concluded that the purpose of nuclear weapons could only be to avert war by deterring opponents. That had been the central pillar of NATO's policy throughout the Cold War, and since the end of that period it had continued to underpin the defence policy of the United States. On the basis of the evidence from those 40 years of nuclear stand-off between the United States and the Soviet Union, experts had not been slow to predict that developing countries - unwilling or unable to compete at the level of conventional forces - would follow NATO's Cold War example.

71. It was such considerations which had informed Pakistan's decision to conduct nuclear tests. Against a neighbour with an overwhelming superiority in conventional forces, Pakistan's military posture had to be purely defensive. Pakistan suffered from a lack of strategic depth; its logistic lines of support, running from north to south, were dangerously close to the main front. Moreover, once India had acquired an overt nuclear capability by detonating nuclear weapons on 11 and 13 May, Pakistan had found itself in exactly the same predicament as had NATO in the Cold War days. It had then simply followed a military doctrine which had resulted in the peace in Europe during the dark days of East-West confrontation, acting in self-defence in accordance with its right under the United Nations Charter.

72. The explanatory memorandum submitted by the four countries which had requested the inclusion of the current item in the agenda ignored such realities. One of those countries had - as a member of NATO - benefited from that doctrine and yet had chosen to overlook its relevance in the context of South Asia.

73. The militarization of a region, including militarization involving the introduction of nuclear weapons, did not take place in a vacuum. South Asia remained riven by long-festering disputes, at the heart of which lay the unresolved problem of Jammu and Kashmir. The international community had long recognized the need for a peaceful resolution of that problem. Recently, the United Nations Security Council, the P-5 and the Non-Aligned Movement had all urged that the problem be resolved peacefully in the interests of stability

and security in South Asia. It was clear that no issue pertaining to disarmament or non-proliferation in South Asia could be discussed meaningfully unless the problem of Jammu and Kashmir was addressed simultaneously.

74. Unfortunately, such realities also had been ignored, with the result that the Conference's debate on nuclear testing was bound to be simplistic, inconsequential and - in the final analysis - meaningless, underscoring yet again the pointlessness of debating nuclear testing issues in a technical forum which did not have the competence to address the South Asia nuclear question in its full and proper perspective.

75. That having been said, he was pleased that - as just mentioned by the Ambassador of India - on 23 September the Prime Ministers of India and Pakistan, meeting in New York, had reached a number of important agreements.

76. The obverse of non-proliferation was nuclear disarmament. However, the aforementioned explanatory memorandum made only an apologetic reference to it, as if the four countries which had submitted it were afraid of being associated with that long-standing global aspiration. Any discussion of the issue of nuclear testing in isolation from the larger one of nuclear disarmament would inevitably be insincere.

77. The NPT, which had recently been converted into an unlimited licence for vertical proliferation, discriminated between the nuclear-weapon States on one hand and non-nuclear-weapon States on the other as regards the possession of nuclear weapons. A more fundamental point, however, was that the nuclear-weapon States were evading the obligations which they had solemnly assumed by becoming parties to the NPT.

78. Pakistan - not a party to the NPT - had been faithfully abiding by the obligations it had assumed under an INFCIRC/66-type safeguards agreement. The Agency had never found it lacking in the fulfilment of its responsibilities and never detected any diversion of material from Pakistan's safeguarded facilities.

79. Article VI of the NPT stated that "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." The failure of nuclear-weapon States to fulfil their Article VI obligations during the 28 years since the NPT had entered into force highlighted the enormous gap between profession and practice on the part of the countries which had sponsored the NPT.

80. What steps had the major nuclear-weapon States taken to eliminate their horrendous weapons of mass destruction? The strategic arms reduction talks between the United States and the former Soviet Union had taken nine years to culminate, on 31 July 1991, in the conclusion of START-1, which had entered into force - after a great deal of trepidation - only at the end of 1994. A treaty providing for a further reduction in and a limitation of strategic offensive arms, START-II, had been signed early in 1993, but it was still awaiting ratification by one of the two countries. Even when the provisions of START-II were implemented,

however, the two major nuclear-weapon States would still retain more than 10 000 nuclear warheads - sufficient to wipe out the entire planet many times over. What did the countries which had called for the current agenda item have to say about that?

81. There was still no multilateral process under way for elaborating the "treaty on general and complete disarmament" mentioned in the NPT. Despite the best efforts of the developing countries, even a mechanism for elaborating such a treaty had not been established. Article VI of the NPT continued to be contemptuously ignored. The attitude of some of the nuclear-weapon States in related areas was equally self-serving. Non-nuclear-weapon States had for 25 years been calling for credible guarantees against the use - and threat of use - of nuclear weapons, but the desired negative security assurances were still not forthcoming. So the message from those nuclear-weapon States was clear - "We will not only retain nuclear weapons but also reserve the right to use them."

82. In resolution 52/38L on "Nuclear Disarmament", adopted on 9 December 1997 by an overwhelming majority of votes, the General Assembly had urged the nuclear-weapon States "to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems" and had reiterated its call to the nuclear-weapon States "to undertake the step-by-step reduction of the nuclear threat and a phased programme of progressive and balanced deep reductions of nuclear weapons, and to carry out effective nuclear disarmament measures with a view to the total elimination of these weapons within a time-bound framework". The General Conference would no doubt be interested to know the views regarding that resolution of the four countries which had called for the current agenda item. Australia and Canada had voted in the General Assembly against the resolution's adoption, while Japan and New Zealand had abstained - in line with the consistent positions of those four countries. As to the nuclear-weapon States, only China had voted in favour of its adoption.

83. The story did not stop there. One of the aforementioned four countries had contributed directly to the nuclearization of South Asia and another had invited a nuclear-weapon State to conduct nuclear tests on its soil (the invitation, graciously accepted by that nuclear-weapon State, had been condemned by the Non-Aligned Movement). More than 2000 nuclear tests - some 500 of them in the atmosphere - had been conducted before the events of May 1998. And yet the prophets of non-proliferation and non-testing had kept their eyes and ears closed. Clearly, all countries were equal but some were more equal than others.

84. Was the Agency, with its technical mandate, going to become a platform for the airing of political issues? Was it going to allow itself to be used for promoting vested interests? Were its time and resources going to be frittered away on contentious debate? Or would it rededicate itself to bringing the vast blessings of atomic energy to the human race? The vote on the draft resolution on "Nuclear Testing" would provide the answer.

85. The PRESIDENT invited the delegate of Canada to introduce the draft resolution contained in document GC(42)/26/Rev.1/Mod.1.

86. Mr. DUBOIS (Canada) said that the draft resolution was the result of a long process of consultation with numerous countries - including India and Pakistan - aimed at achieving a consensus. Its content fell within the mandate of the Agency, since one of the Agency's fundamental responsibilities was to support non-proliferation, and he hoped that the General Conference would adopt it as it stood, thereby maintaining the high standards set by the Conference in previous years.

87. The PRESIDENT invited the Ambassador of India to introduce the amendments contained in document GC(42)/36.

88. Mr. TIWARI (India) said that within the Agency there was a growing trend of politicization on issues extraneous to the Agency's Statute. If the Agency had a role in non-proliferation, why had it taken no action against the proliferation of nuclear weapons in their tens of thousands since it had been established? Did the nuclear weapons and the delivery systems of the nuclear-weapon States constitute such a minor threat to international peace and security?

89. The PRESIDENT again invited the Ambassador of India to introduce the amendments contained in document GC(42)/36.

90. Mr. TIWARI (India), referring to the text proposed by his country as a replacement for preambular paragraph (c) of the draft resolution contained in document GC(42)//26, said that General Assembly resolution 52/11 of 12 November 1997 accorded with the ideals on which the Agency was based. He suggested that the Conference consider that proposed text before he introduced his country's other amendment proposals.

91. Mr. JOSEPH (Australia) said that in his delegation's view the proposed text and the other proposals in document GC(42)/36 amounted to a proposal not for an amended draft resolution, but for an entirely new draft resolution - entitled "Nuclear Disarmament".

92. Accordingly, he wished to move, under Rule 59 of the Rules of Procedure, the adjournment of the debate on the amendments proposed in document GC(42)/36.

93. Ms. FREUDENSCHUSS-REICHL (Austria), speaking in favour of the motion, said that the draft resolution in document GC(42)/26/Rev.1/Mod.1 contained the points which in the present context were important for Austria and the other members of the European Union. Although they drew on important international events such as the Durban summit of the Non-Aligned Movement, India's proposed amendments indeed amounted to a proposal for an entirely new draft resolution.

94. Ms. BATACLAN (Philippines), speaking in favour of the motion, said that her delegation, which had taken the amendments proposed by India into account when participating in the consultations on the draft resolution contained in document GC(42)/26/Rev.1/Mod.1, believed that the General Conference should - in the resolution ultimately adopted by it - express its collective opinion about the nuclear tests which had taken place in May.

95. Mr UMER (Pakistan), speaking against the motion, said that the amendments proposed by India should be given serious consideration.

96. Expressing surprise at the statement made by the representative of the Philippines, which belonged to the Non-Aligned Movement, he said that, in his view, members of the Non-Aligned Movement should not wish the Conference to adjourn its debate on proposed amendments which drew on - inter alia - an important declaration made at the Movement's Durban summit.

97. Mr. TIWARI (India), speaking against the motion, said that some countries clearly wished to tailor the Conference's deliberations to suit themselves and force their opinions on the Conference. They seemed to be afraid of a debate on the amendments proposed by India.

98. The PRESIDENT, having noted that, in accordance with Rule 59 of the Rules of Procedure, there had been two speakers in favour and two against the motion to adjourn the debate on the amendments proposed by India, put the motion to the vote by show of hands.

99. There were 50 votes in favour and 3 against, with 20 abstentions. The motion was carried.

100. The PRESIDENT invited the Conference to consider the draft resolution contained in document GC(42)/26/Rev.1/Mod.1.

101. Mr. UMER (Pakistan) said that his delegation wished to propose some amendments to the draft resolution: the deletion of preambular paragraph (d); the amendment of operative paragraph 1 to read "... the nuclear tests conducted since the adoption of resolution GC(39)/RES/23 of 22 September 1995"; the deletion of operative paragraph 2; the amendment of operative paragraph 3 to read "Calls upon all States concerned to conclude promptly, consistent with their safeguards commitments, the additional protocols as called for by resolution GC(41)/RES/16"; the amendment of operative paragraph 4 to read "Urges all States that have not yet done so to become parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty, without delay and without conditions"; the replacement in operative paragraph 6 of "welcomes" by a formulation on the lines of "calls upon"; and the addition of an operative paragraph reading "Also expresses grave concern over and strongly deplores the continuation of sub-critical tests which contribute to the improvement of nuclear weapons design and are contrary to the spirit of the Comprehensive Nuclear-Test-Ban Treaty".

102. The PRESIDENT, recalling Rule 63 of the Rules of Procedure, said that the proposals made by the Ambassador of Pakistan were very far-reaching and that she was therefore not certain whether the Conference should discuss them immediately.

103. Mr. BENMOUSSA (Morocco), recalling that Rule 63 contained the word "normally", said that the Conference could perhaps vote on those proposals one by one - by show of hands rather than by roll-call.

104. Mr. TIWARI (India) said that the proposals made by the Ambassador of Pakistan deserved to be voted on by roll-call.

105. Ms. FREUDENSCHUSS-REICHL (Austria) said that it would take a considerable time for some delegations, including those of the countries belonging to the European Union, to obtain instructions from their capitals regarding the proposals.

106. Mr. REGUIEG (Algeria) said that his delegation would like the Conference to consider the proposals - and any others - with a view to reaching a consensus.

107. Mr. de OURO-PRETO (Brazil) requested a suspension of the meeting.

The meeting was suspended at 6.10 p.m. and resumed at 7.00 p.m.

108. The PRESIDENT invited the Conference to consider the amendments proposed by the Ambassador of Pakistan, which had now been distributed in writing.

109. Mr. DUBOIS (Canada) - supported by Ms. FREUDENSCHUSS-REICHL (Austria), speaking on behalf of the European Union, and by Mr. YAMANAKA (Japan) - said that, in the opinion of 37 States whose representatives had met during the break, the purpose of the last sentence of Rule 63 of the Rules of Procedure was to permit the immediate consideration of minor amendment proposals but not of major ones - and the amendments proposed by the Ambassador of Pakistan were undoubtedly major ones. The representatives of those 37 countries would need to obtain detailed instructions from their capitals if there was going to be a discussion on those proposed amendments, and they therefore recommended that the President, in keeping with the spirit of Rule 63, not permit a discussion on them.

110. Mr. TIWARI (India) said that, if the amendments proposed by the Ambassador of Pakistan were far-reaching, they surely deserved to be discussed. The representatives of the 37 countries referred to by the delegate of Canada might need to obtain detailed instructions, but the representatives of other countries might also need to. In that case, perhaps the discussion should be postponed until all delegations had had a chance to consult with their capitals.

111. Mr. POOLOKASHINGHAM (Sri Lanka), endorsing the views expressed by the Ambassador of India, asked whether the Board of Governors could be requested to consider the matter and report back to the General Conference at its forty-third session.

112. Mr. JOSEPH (Australia) said it was difficult to believe that the proposals made by the Ambassador of Pakistan could not have been made earlier. Clearly, the intention in making them had been to create confusion.

113. Accordingly, he wished to move, under Rule 59 of the Rules of Procedure, the adjournment of the debate on those proposed amendments.

114. The PRESIDENT invited statements from two delegations in favour and two against the motion, which would then be put to the vote.

115. Mr. CHOWDHURY (Bangladesh), Mr. TIWARI (India) and Mr. UMER (Pakistan) asked to speak on points of order.

116. The PRESIDENT said that, under the Rules of Procedure, once the adjournment of a debate had been proposed, points of order could not be taken.

117. Ms. MOSLEY (New Zealand) and Mr. RITCH (United States of America) spoke in favour of the motion to adjourn the debate on the amendments proposed by the Ambassador of Pakistan.

118. Mr. TIWARI (India), speaking against the motion, said that the proposals made by the Ambassador of Pakistan could hardly have been made earlier as the draft resolution in document GC(42)/26/Rev.1/Mod.1 had not been available until that day.

119. Mr. UMER (Pakistan), speaking against the motion, said that the delegate of Australia had just invoked Rule 59 for the second time, clearly demonstrating the intention of certain countries to force the General Conference to adopt the draft resolution in document GC(42)/26/Rev.1/Mod.1 as it stood.

120. During the third meeting of the General Committee, the delegate of Australia had said that freedom of speech was very important for his delegation and that it would defend it vigorously. By invoking Rule 59 for the second time, he had provided an excellent example of double standards and hypocrisy.

121. As to the decision of the President not to give him the floor on a point of order, he would not contest her decision, but he was beginning to have doubts about the integrity of the Conference's current proceedings.

122. The PRESIDENT, said that the Conference had heard two speakers in favour of and two against the motion , which would now be put to the vote.

123. Mr. TIWARI (India) said that the President, who had not given either him or the delegate of Bangladesh the floor on a point of order when requested to do so, should receive more help from the members of the Secretariat who were on the podium with her - and they should look out more carefully for requests for the floor from delegations seated at the back of the hall.

124. The DIRECTOR GENERAL said that most people in the hall were by now rather tired, but he took exception to the implication that the Secretariat was not doing its job properly.

125. If a delegate disagreed with a ruling of the President, he had the right to appeal against it, but he should do so with restraint.

126. Mr. TIWARI (India) said that he took the Director General's point and regretted having expressed himself rather forcefully.

127. Mr. UMER (Pakistan) said that, when Rule 59 had been invoked for the second time by the delegate of Australia, the Conference had been discussing not the substance of the amendments which he had proposed, but whether the President should permit their consideration under Rule 63. He hoped that, when the substance of those proposed amendments was being discussed, the delegate of Australia would not again invoke Rule 59.

128. The PRESIDENT said that, unless the comments of the Ambassador of Pakistan constituted an appeal against her ruling, she would now invite the Conference to vote on the motion put forward by the delegate of Australia.

129. Mr. UMER (Pakistan) said that he would first like the President to take a decision under Rule 63 on whether to permit discussion of the amendments which he had proposed.

130. Mr. JOHNSON (Director, Legal Division) said that during discussion of the question whether, in the light of Rule 63, the amendments proposed by the Ambassador of Pakistan should be discussed, the delegate of Australia, invoking Rule 59, had moved that the debate on those proposed amendments be adjourned. The need to take a decision on the motion superseded the need to take a decision pursuant to Rule 63.

131. Responding to comments made by Mr. Benmoussa (Morocco), he said that, as he understood it, by invoking Rule 59 the delegate of Australia had been putting forward a motion that no action be taken on the amendments proposed by the Ambassador of Pakistan. There had been two speakers in favour of the motion and two against, and the Conference should now proceed to a vote.

132. Responding to comments made by Mr. Tiwari (India), he said that, once Rule 59 had been invoked, the existing speakers list was superseded by the requirements of the motion in question.

133. Responding to further comments by Mr. Benmoussa (Morocco), he said that Rule 59 spoke of "the adjournment of the debate on the item under discussion". In the practice of the United Nations General Assembly (and of the Agency's General Conference, at whose 1994 session that rule had last been invoked), those words were used to mean that no action should be taken on the matter under discussion. The decision to take no action could be limited to a specific period, or it could be *sine die*. As he understood it, the motion put forward by the delegate of Australia was a proposal for no action *sine die*.

134. The term "item under discussion" had been interpreted by bodies within the United Nations system to mean an entire agenda item, a proposal relating to an agenda item, or an amendment to a proposal relating to an agenda item. From a legal point of view, there could be no objection to interpreting the motion put forward by the delegate of Australia as a proposal for adjournment of the debate *sine die* on the amendments proposed by the Ambassador of Pakistan.

135. Mr. JOSEPH (Australia) said that in invoking Rule 59 he had indeed been putting forward a classic no-action motion.

136. The PRESIDENT invited those present to vote by show of hands on the motion put forward by the delegate of Australia.

137. There were 59 votes in favour and 5 against, with 22 abstentions. The motion was carried.

138. Mr. CHOWDHURY (Bangladesh) said that, when he had unavailingly asked to speak on a point of order, it had been his wish to assist the President with regard to the application of Rule 63, and to request an answer to the question put by the delegate of Sri Lanka.

139. The PRESIDENT apologized for not having given him the floor earlier.

140. Ms. MXAKATO-DISEKO (South Africa) proposed that in operative paragraph 6 of the draft resolution in document GC(42)/26/Rev.1/Mod.1 the phrase "welcomes the determination of the five nuclear-weapon States" be amended to read "urges the five nuclear-weapon States" and the phrase "calls upon those States" be deleted.

141. Mr. ALFONSO DE ALBA (Mexico) endorsed the proposal which had been made by the Ambassador of South Africa; some wording of the kind proposed was necessary in order to achieve a proper balance in the draft resolution. His country and seven others, including South Africa, had recently issued a declaration stating that insufficient efforts were being made by the nuclear-weapon States to fulfil their obligations under Article VI of the NPT.

142. Mr. TRUJILLO GARCIA (Colombia), Mr. BENMOUSSA (Morocco) and Mr. de OURO-PRETO (Brazil) expressed support for the proposal.

143. Mr. POOLOKASINGHAM (Sri Lanka) endorsed the proposal and also suggested that the words "in South Asia in May 1998" in operative paragraph 1 of the draft resolution be replaced by the words "since the adoption of resolution GC(39)/RES/23 of 22 September 1995".

144. Ms. BALLÓN DE AMÉZAGA (Peru) and Mr. DIAZ-DUQUE (Guatemala) expressed support for the proposal made by the Ambassador of South Africa.

145. Mr. CHOWDHURY (Bangladesh), Mr. AYATOLLAHI (Islamic Republic of Iran), Mr. OTHMAN (Syrian Arab Republic) and Mr. REGUIEG (Algeria) expressed support both for the amendments proposed by the Ambassador of South Africa and for the amendment proposed by the delegate of Sri Lanka.

146. Mr. JOSEPH (Australia), noting that the amendment proposed by the delegate of Sri Lanka was identical with one of the amendments which had been proposed by the Ambassador of Pakistan, recalled that the Conference had decided not to take action on those

amendments. Rule 66 of the Rules of Procedures stated that, when a proposal or amendment had been adopted or rejected, it could not be reconsidered at the same session unless the General Conference, by a two-thirds majority of those present and voting, decided to reconsider it.

147. With regard to the amendments proposed by the Ambassador of South Africa, they would affect the balance of the draft resolution and he would be obliged to vote against them if they were put to the vote.

148. Mr. DUBOIS (Canada) endorsed the comments made by the delegate of Australia.

149. Mr. UMER (Pakistan) said that some co-sponsors of the draft resolution in document GC(42)/26/Rev.1/Mod.1 seemed to be impervious to the views of others. South Africa was currently the Chairman of the Non-Aligned Movement, but the amendments proposed by the Ambassador of South Africa were being treated by them with contempt.

150. Ms. FREUDENSCHUSS-REICHL (Austria) said that the European Union, which certainly felt no contempt for those proposed amendments, believed that the draft resolution in document GC(42)/26/Rev.1/Mod.1 was well balanced, although it did not contain everything that the European Union would have liked to see in it. Amendments as substantive as those proposed with regard to operative paragraph 6 would result in a badly unbalanced text.

151. With regard to the amendment proposed by the delegate of Sri Lanka, she associated herself fully with the comments made by the delegate of Australia.

152. Mr. YAMANAKA (Japan) said that the draft resolution was the product of painstaking and broad consultations and that his country, as a co-author, would like it to remain as it stood.

153. Mr. TIWARI (India) said that the General Conference was clearly being presented with the draft resolution on a take-it-or-leave-it basis. Was there any point in discussing the draft resolution?

154. Mr. Ki-Moon BAN (Republic of Korea) said that, while he appreciated the concerns of the countries belonging to the Non-Aligned Movement, he felt that the General Conference was not an appropriate forum for the discussion of nuclear disarmament issues - particularly at the present late hour.

155. Mr. ZHANG Yishan (China) said that the wording of operative paragraph 6 of the draft resolution was based on that of a preambular paragraph of Security Council resolution 1172(1998). It would therefore be inappropriate to change paragraph 6.

156. Ms. MXAKATO-DISEKO (South Africa) requested a roll-call vote on the amendments which she had proposed.

157. The PRESIDENT invited the General Conference to proceed to a roll-call vote on the amendments, as requested by the Ambassador of South Africa.

158. Sudan, having been drawn by lot by the President, was called upon to vote first.

159. The result of the vote was as follows:

In favour: Algeria, Argentina, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, Colombia, Cuba, Egypt, Ethiopia, Ghana, Guatemala, India, Islamic Republic of Iran, Ireland, Jordan, Kenya, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Mexico, Morocco, Namibia, Pakistan, Paraguay, Peru, Qatar, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Zimbabwe.

Against: Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Republic of Korea, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America.

Abstaining: Belarus, Ecuador, Indonesia, Kuwait, Malaysia, Mongolia, Myanmar, Philippines, Singapore, Thailand.

160. The amendments proposed by the Ambassador of South Africa were adopted by 40 votes to 38, with 10 abstentions.

161. The PRESIDENT, noting that the amendment which had been proposed by the delegate of Sri Lanka was identical to one of the amendments proposed by the Ambassador of Pakistan, said that, as the General Conference had decided not to take any action on the amendments proposed by the Ambassador, it could consider the Sri Lankan delegate's proposed amendment only under the terms of Rule 66 of the Rules of Procedure, which specified that "a two-thirds majority of the Members present and voting" had to be in favour of reconsideration of an adopted or a rejected amendment in order that it might be reconsidered at the same session.

162. She proposed that a vote be taken on the entire draft resolution as just amended.

163. Mr. RYZHOV (Russian Federation), referring to Rule 75 of the Rules of Procedure, proposed a separate vote on operative paragraph 6 of the draft resolution.

164. Ms. FREUDENSCHUSS-REICHL requested a suspension of the meeting to allow for consultations.

The meeting was suspended at 9.15 p.m. and resumed at 10.10 p.m.

165. Mr. UMER (Pakistan) said that in his view the appropriate procedure now would be to vote on the draft resolution in its entirety.

166. Mr. BENMOUSSA (Morocco) said that, if there was to be a separate vote on operative paragraph 6, then Rule 66 of the Rules of Procedure should apply.

167. Mr. JOHNSON (Director, Legal Division) said that the roll-call vote which had just taken place had been on the amendments proposed by the Ambassador of South Africa, not on the text of operative paragraph 6 as a whole, so that Rule 66 did not apply.

168. Ms. MXAKATO-DISEKO (South Africa) said it was her understanding that the roll-call vote had been on operative paragraph 6 in its entirety. Invoking Rule 59, she called for an adjournment of the debate.

169. Mr. JOHNSON (Director, Legal Division), recalling that a motion had been brought - by the representative of the Russian Federation - under Rule 75, said it was established practice that one procedural motion was not invoked against another procedural motion.

170. Mr. BENMOUSSA (Morocco), Mr. UMER (Pakistan) and Mr. TRUJILLO-GARCIA (Colombia) said that they shared the understanding of the Ambassador of South Africa as regards the recent roll-call vote.

171. Mr. JOHNSON (Director, Legal Division), referring to Rule 76(b), said that adoption of the amendments proposed by the Ambassador of South Africa had meant adding to, deleting from or revising parts of a proposal - namely, operative paragraph 6 of the draft resolution in document GC(42)/26/Rev.1/Mod.1. The last sentence of Rule 76(a) stated that "If one or more amendments are adopted, the amended proposal shall then be voted upon."

172. Ms. MXAKATO-DISEKO (South Africa), Mr. CHOWDHURY (Bangladesh), Mr. UMER (Pakistan), Mr. BENMOUSSA (Morocco), Mr. TRUJILLO-GARCIA (Colombia), Mr. CHAABANE (Tunisia) and Mr. TIWARI (India), calling for a vote on the draft resolution as a whole, said that a separate vote on the amended operative paragraph 6 as a whole could be conducted only under the terms of Rule 66.

173. Mr. HÖGBERG (Sweden) and Mr. YAMANAKA (Japan) said that it was their understanding that the roll-call vote had been only on the amendments proposed by the Ambassador of South Africa. The Conference should now vote on the amended operative paragraph 6 as called for by the representative of the Russian Federation.

174. The PRESIDENT invited the Conference to vote, by show of hands, on the motion brought by the representative of the Russian Federation for a separate vote on operative paragraph 6 of the draft resolution.

175. There were 39 votes in favour and 34 against, with 9 abstentions. The proposal was adopted.

176. Mr. BENMOUSSA (Morocco), reiterating his view that Rule 66 of the Rules of Procedure should apply in a separate vote on operative paragraph 6, said that he disagreed

with what the Director of the Legal Division had said and requested that the Legal Department of the United Nations be consulted.

177. Mr. ELBARADEI (Director General), appealing to all delegations to display a greater spirit of co-operation, said, with regard to the comments just made by the Ambassador of Morocco, that the Director of the Legal Division had been advising on procedural matters within the United Nations system for many years and was therefore clearly an expert. If delegates disagreed with rulings of the President, it was always open to them to challenge such rulings.

178. Mr. UMER (Pakistan), supported by Mr. TIWARI (India), requested that the vote on operative paragraph 6 be held by roll-call.

179. The PRESIDENT invited the General Conference to proceed to a roll-call vote on the adoption of operative paragraph 6 as amended.

180. Albania, having been drawn by lot by the President, was called upon to vote first.

181. The result of the vote was as follows:

In favour: Algeria, Argentina, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, Colombia, Cuba, Ecuador, Egypt, Ghana, Guatemala, India, Indonesia, Islamic Republic of Iran, Ireland, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Namibia, Pakistan, Paraguay, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zimbabwe.

Against: Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Italy, Japan, Republic of Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Switzerland, Turkey, Ukraine, United Kingdom, United States of America.

Abstaining: Myanmar.

182. Operative paragraph 6 as amended was adopted by 47 votes to 42, with 1 abstention.

183. Ms. FREUDENSCHUSS-REICHL (Austria) requested a short suspension of the meeting to allow for consultations.

The meeting was suspended at 11.15 p.m. and resumed at 11.25 p.m.

184. Mr. ZHANG Yishan (China), supported by Mr. TIWARI (India), proposed that, in order to enable delegations to obtain instructions from capitals, the Conference take up other agenda items and revert to the draft resolution later.

185. Mr. DUBOIS (Canada) said that in his view it would be better for the Conference to complete its consideration of the current agenda item before moving on to other items.

186. Mr. JOSEPH (Australia), invoking Rule 60 of the Rules of Procedure, moved the closure of the debate on the current agenda item.

187. Mr. JOHNSON (Director, Legal Division), at the President's request, explained that closure of the debate meant an immediate decision on the draft resolution as amended, irrespective of any speakers list.

188. Mr. RYZHOV (Russian Federation) said that the Conference had not had a debate on the draft resolution - merely a procedural discussion. Delegations should be given time to consult with capitals.

189. Mr. ZHANG Yishan (China) said that, in view of the lateness of the hour, he wished to withdraw his proposal.

190. The PRESIDENT invited the Conference to vote on the motion for closure of the debate put forward by the delegate of Australia.

191. There were 74 votes in favour and 1 against, with 1 abstention. The proposal was adopted.

192. The PRESIDENT invited the Conference to vote on the draft resolution as a whole, as amended.

193. At the request of Ms. Bataclan (Philippines), a roll-call vote was taken.

194. The Holy See, having been drawn by lot by the President, was called upon to vote first.

195. The result of the vote was as follows:

In favour: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Croatia, Czech Republic, Ecuador, Egypt, Ghana, Guatemala. Iceland, Indonesia, Islamic Republic of Iran, Ireland, Japan, Jordan, Kenya, Republic of Korea, Kuwait, Lebanon, Malaysia, Mexico, Namibia, New Zealand, Norway, Paraguay, Peru, Philippines, Qatar, Saudi Arabia, Singapore, Slovenia, South Africa, Sweden, Switzerland, Thailand, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Zimbabwe.

Against: India, Pakistan.

Abstaining: Algeria, Australia, Austria, Bangladesh, Belarus, Belgium, Bulgaria, Burkina Faso, China, Cuba, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Israel, Italy, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Monaco, Morocco, Myanmar, Netherlands, Poland, Portugal, Romania, Russian Federation, Senegal, Slovakia, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Kingdom, United States of America, Yemen.

196. The draft resolution as a whole, as amended, was adopted by 44 votes to 2, with 43 abstentions.

197. Mr. HÖGBERG (Sweden), explaining his vote, said that his country was a traditional supporter of non-proliferation and nuclear disarmament.

198. His delegation had co-sponsored the draft resolution contained in document GC(42)/26/Rev.1/Mod.1, considering it to be well balanced. Although the balance had been changed by the amendments made to the draft resolution, given the importance of non-proliferation and his country's deep concern about nuclear testing by India and Pakistan his delegation regarded the amended text as satisfactory.

199. Mr. TIWARI (India) said his delegation was deeply concerned about the fact that the Rules of Procedure - especially Rule 59 - had been applied in such a way as to throttle all real debate.

200. In the roll-call vote, 18 of the 38 States co-sponsoring the draft resolution in document GC(42)/26/Rev.1/Mod.1 had abstained. That demonstrated the arrogant attitude of the nuclear-weapon States and their followers towards nuclear disarmament.

201. At least countries could put forward their views on nuclear disarmament freely in the Conference on Disarmament, where the procedures were more democratic.

202. Mr. CODORNIÚ PUJALS (Cuba) said that his country, which was opposed to the development and use of nuclear weapons and in favour of total disarmament, believed that the present non-proliferation regime was discriminatory, dividing the world into nuclear haves and have-nots who were accorded different treatment purely on the basis of their possessing or not possessing nuclear weapons.

203. Mr. BENMOUSSA (Morocco) said that he would have preferred a consensus decision of the Conference and that his delegation had abstained in the roll-call vote because certain parties had been playing procedural games for manipulative purposes. The result of that vote had been a volte face, many co-sponsors of the draft resolution denying their own child.

204. Morocco, which had voiced its concern about nuclear testing at the Non-Aligned Movement's Cartagena and Durban summits, was a firm advocate of nuclear disarmament in accordance with a precise, negotiated timetable.

205. He hoped that everything possible would be done - especially by the countries with the primary responsibility for preserving world peace and security - in order to ensure full implementation of the resolution just adopted, and in particular of paragraph 4. His delegation would like to see operative paragraph 4 applied in particular to the one country in the Middle East whose nuclear capabilities constituted a major threat to all other countries in the region. The resolution would have no validity if all of Israel's nuclear material and facilities were not placed under comprehensive Agency safeguards.

206. Mr. QASHUTT (Libyan Arab Jamahiriya) said his delegation's abstention did not imply support for nuclear tests.

207. The NPT and the CTBT had merely served to give legitimacy to the special position of the nuclear-weapon States. If the nuclear-weapon States had taken nuclear disarmament more seriously, there would have been much less likelihood of other countries engaging in nuclear testing. His country, which was happy to accept NPT safeguards as a contribution to the attainment of a world free of nuclear weapons, deplored the insincerity of the nuclear-weapon States with regard to the "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" adopted by the NPT Review and Extension Conference.

208. Universal accession to the NPT was essential. The possession by Israel of nuclear weapons was a major threat to the Middle East region and to world peace, but double standards were being applied in the case of that country. The aims of the NPT would not be achieved if double standards continued to be applied.

209. Mr. ALY (Egypt) said that his delegation, which would also have preferred a consensus decision of the Conference, had voted in favour of the draft resolution since Egypt wished to see a ban on nuclear testing and universal accession to international instruments like the NPT and the CTBT.

210. In his delegation's view, the draft resolution should have included mention of the fact that India and Pakistan had stated that they were considering accession to the CTBT.

211. Mr. REGUIEG (Algeria) said that his delegation, which had abstained in the vote, believed that one would not achieve universal accession to international instruments like the NPT and the CTBT by condemning States in General Conference resolutions. It also believed that Member States should not be prevented from expressing their opinions by procedural devices.

212. Mr. BIGGS (Australia) said that, although his delegation had abstained on instructions from Canberra following changes to the draft resolution which had upset its balance, it was glad that the General Conference - the Agency's highest policy-making body - had rejected nuclear testing and nuclear proliferation.

213. Mr. TEO (Singapore) said his delegation had voted in favour of the draft resolution because Singapore believed that all nuclear tests were deplorable, that the NPT should be fully implemented and that genuine disarmament should be vigorously pursued.

ARTICLE VI OF THE STATUTE (resumed)

214. Mr. UMER (Pakistan), speaking as Vice-Chairman of the Committee of the Whole, said he understood from the Committee's Chairman that the Committee had agreed to the following text proposed by the Chairman: "May I take it that the Committee of the Whole recommends to the General Conference that it takes note with appreciation of the report of the Board of Governors contained in document GC(42)/19, that it refers all issues relating to Article VI back to the Board of Governors for further consideration, and that it instructs the Board to redouble its efforts to achieve a solution to this long-standing and vexed issue pursuant to the existing mandate previously conferred by the Conference in resolution GC(41)/RES/20 and decision GC(41)/DEC/10, and report to the General Conference at its forty-third regular session."

215. Mr. BENMOUSSA (Morocco) said that what he had just heard caused him some surprise; the course of action agreed upon in the Committee of the Whole had been that, at the conclusion of further informal consultations, the Chairman of the Board, Ambassador Ikeda, would report to the Committee on the results of those consultations. Unfortunately, because of the pressure of business in Plenary it had been impossible for the Committee of the Whole to reconvene and hear Ambassador Ikeda's report. The text read out by the Vice-Chairman of the Committee did not reflect the reality of the situation.

216. Mr. IKEDA (Japan) said he had spent the afternoon waiting for the Committee of the Whole to reconvene so that he could make his report. He proposed that the Committee reconvene immediately.

217. Following interventions by Mr. MCINTOSH (Australia), Mr. KURDI (Saudi Arabia), Mr. ARMOUTI (Jordan), Mr. AYATOLLAHI (Islamic Republic of Iran), Mr. RITCH (United States of America), Ms. FREUDENSCHUSS-REICHL (Austria), Mr. OTHMAN (Syrian Arab Republic), Mr. BENMOUSSA (Morocco) and Mr. AL-GHAIS (Kuwait), he said that the Conference now had before it an informal paper which he had had circulated and which was entitled "Text of the Chairman of the Board of Governors on the basis of consultations"; the paper set out the draft of a General Conference decision. By taking that decision, the General Conference would approve the amendment to Article VI proposed by Japan in Circular Letter N5.11.6 of 22 June 1998 (see Annex 1 to document GC(42)/19) and agree that the President of the Conference read out the following text:

> "With regard to the list provided for in paragraph K of Article VI, the General Conference agrees that the list is intended only for electoral purposes facilitating the right of all Member States to seek membership on the Board of Governors based on their sovereign equality, and based on the inclusion of every Member State in one of the geographic areas specified in the Statute of the IAEA. This list will be prepared by the Chairman of the Board. The Chairman of the Board will put forward this list at an appropriate time only after it has received broad support both from respective areas as specified in Article VI and individual Member States of the IAEA. The list will be subject to adoption by the Board and the General Conference respectively in accordance with the provisions of paragraph K."

By taking that decision, the General Conference would in addition recommend that the Board agree at its first meeting after the current session of the Conference that, when Article VI as amended entered into force, the criteria and indicators contained in the Attachment to 1998/NOTE 38 would be used as guidelines in designating members of the Board pursuant to Article VI.A.1 as amended.

218. He would not object to the referral of all issues relating to Article VI back to the Board, but in his view the Board should not waste time and energy going over matters which had been adequately clarified during his chairmanship.

219. Mr. UMER (Pakistan) said that, if he had known that the Committee of the Whole had not convened in order to hear Ambassador Ikeda's report, he would never have presented the text which he had just read out.

220. If the Conference wished the Committee to reconvene, he would be prepared - in the absence of the Chairman of the Committee - to chair it. Alternatively, if the Conference wished to take - without a further meeting of the Committee - a decision based on the text which he had read out, he would propose the addition of the following words at the end of it: "on a finalized formula, taking into account the progress achieved so far".

221. Mr. AYATOLLAHI (Islamic Republic of Iran) proposed that the President read out the text previously read out by the Ambassador of Pakistan, with the addition proposed by the Ambassador and with any amendments necessary in order to make it a presidential statement.

222. The PRESIDENT, having associated herself with those who had thanked Ambassador Ikeda for his efforts throughout the past year, asked whether the Conference was prepared to endorse the following presidential statement:

> "I take it that the General Conference takes note with appreciation of the report of the Board of Governors contained in document GC(42)/19, that it refers all issues relating to Article VI back to the Board of Governors for further consideration, and that it urges the Board to redouble its efforts to achieve a solution to this long-standing issue pursuant to the mandate previously conferred on it by the Conference in resolution GC(41)/RES/20 and decision GC(41)/DEC/10 and report to the Conference at its 43rd session on a finalized formula, taking into account the progress achieved so far."

223. The Conference endorsed the presidential statement.

PARTICIPATION OF PALESTINE IN THE WORK OF THE INTERNATIONAL ATOMIC ENERGY AGENCY
(GC(42)/23)

224. Mr. AL-GHAIS (Kuwait), introducing the draft resolution in document GC(42)/23 and recalling that the United Nations General Assembly had on 7 July1998, by adopting resolution A/RES/52/250, granted additional rights and privileges of participation to Palestine,

said that the purpose of the draft resolution was to obtain for Palestine the additional rights and privileges of participation in the work of the Agency listed in the annex to the draft resolution.

225. To facilitate adoption of the draft resolution, the sponsors had agreed to the deletion of operative paragraph 2 and of the words "the Board of Governors and" in operative paragraph 3.

226. Mr. FRANK (Israel) said that adoption of the draft resolution would necessarily entail amending the Conference's Rules of Procedure. As was clear from Rule 101, however, before amendments were voted on the General Conference had to receive a report from the appropriate committee. His delegation would like that procedural provision to be adhered to.

227. Changing the status of the Palestinian representation in the Agency was inconsistent with the arrangements agreed to by Israel and the PLO. Any attempt to change the status of the Palestinian observer mission in the Agency represented an attempt to predetermine the outcome of the final-status negotiations and, as such, was a violation of the undertakings in the Interim Agreement. Moreover, a change in the observer mission's status could only be construed as intervention by the Agency in the process of bilateral negotiations between Israel and the PLO - intervention intended to predetermine the outcome of the negotiations.

228. Further consideration of the draft resolution should be deferred so that the draft resolution could be examined properly. If it was not going to be deferred, his delegation would request a vote and oppose its adoption.

229. The PRESIDENT, noting that no one wished to take the floor, suggested that the Conference vote on the draft resolution in document GC(42)/23 as amended by the sponsors.

230. At the request of Mr. Al-Ghais (Kuwait), a roll-call vote was taken.

231. Norway, having been drawn by lot by the President, was called upon to vote first.

232. The result of the vote was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Ghana, Greece, Holy See, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Philippines, Portugal, Qatar, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey,

United Arab Emirates, United Kingdom, United Republic of Tanzania, Venezuela, Yemen, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Lithuania, Poland, Romania, Uruguay.

233. The draft resolution as amended was adopted by 80 votes to 2, with 4 abstentions.

234. Mr. AWEIDAH (Palestine) said that he was grateful to all delegates who had supported the granting to Palestine of additional rights so as to enable it to contribute more effectively to the work of the General Conference and the Agency. He had of course hoped for a consensus on the issue, but the near-unanimous vote which had just taken place reflected solid international support for the Palestinian people in their quest for peace, for an end to their suffering after five decades of occupation, and for an independent homeland in which to enjoy freedom and exercise their democratic rights.

235. He was also grateful to the Agency for the technical assistance provided by it to Palestine in recent years.

236. Mr. BENMOUSSA (Morocco), having congratulated the Palestine delegation on the outcome of the vote, said that the procedural remarks made by the delegate of Israel did not hold water.

237. The vote had shown that legality and justice still had some meaning in the General Conference.

EXAMINATION OF DELEGATES' CREDENTIALS
(GC(42)/22, GC(42)/27 and Corr.1, GC(42)/41)

238. Mr. BENMOUSSA (Morocco) proposed that in the report of the General Committee, contained in document GC(42)/41, the words "with the reservations expressed above" be added at the end of paragraph 9.

239. The PRESIDENT said that, as Chairman of the General Committee and the person who had been responsible for drafting the report, she could agree to its being revised through the addition of those words.

240. Mr. SIDDIG (Sudan) said that his country's delegate had submitted satisfactory credentials and that Sudan should therefore be included in the list in paragraph 3 of the General Committee's report.

241. The PRESIDENT announced that, subsequent to the preparation of the report, Sudan and Qatar had submitted satisfactory credentials.

242. Mr. FRANK (Israel) said that he could not agree to the proposal made by the Ambassador of Morocco since it did not reflect the fact that two documents had been submitted to the Committee. The document submitted by Israel should receive the same status as the one submitted by Kuwait on behalf of the Arab States.

243. Mr. SARWAT (Egypt) said that, while Egypt could accept the credentials of Israel's delegate, its acceptance did not imply acceptance of Israeli sovereignty over the lands occupied since 1967, including Jerusalem. Israel as a State meant Israel within its borders of 5 June 1967 and the borders which had been specified in the peace treaties between Israel and Egypt and between Israel and Jordan.

244. Mr. BENMOUSSA (Morocco) said that he could not accept the legality of the document submitted by Israel. In any case, the additional words proposed by him made no reference to the document submitted by Kuwait on behalf of the Arab States.

245. Mr. AL-GHAIS (Kuwait) proposed that the report of the General Committee be accepted without a vote.

246. Mr. FRANK (Israel) said that his delegation could not go along with that proposal.

247. The PRESIDENT invited the Conference to vote on whether it wished to adopt the draft resolution in paragraph 8 of the General Committee's report, the words "with the reservations expressed above" having been added at the end of paragraph 9.

248. There were 56 votes in favour and 3 against, with 19 abstentions. The draft resolution was adopted.

ELECTIONS TO THE AGENCY'S STAFF PENSION COMMITTEE

249. The PRESIDENT recalled that the General Conference was represented on the Agency's Staff Pension Committee by two members and two alternates. At the present time, those were Mr. Pecsteen of Belgium and Mr. Arrouchi of Morocco as members, and Mr. Herrera Andrade of Mexico and Mr. Raja Adnan of Malaysia as alternates.

250. Since Mr. Arrouchi had left Vienna and was no longer available to serve on the Committee, she had been asked to propose that Mr. Herrera Andrade of Mexico be elected as member and Mr. Nasser Bourita of Morocco be elected as alternate member, thus filling the vacancies. She understood that those nominations had been the subject of consultations by the Secretariat.

251. There being no other proposals, she declared Mr. Herrera Andrade elected as member and Mr. Nasser Bourita alternate member to represent the General Conference on the Agency's Staff Pension Committee.

252. The composition of the Agency's Staff Pension Committee would thus be:

Members:	Mr. Pecsteen Mr. Herrera Andrade
Alternate members:	Mr. Raja Adnan Mr. Nasser Bourita

253. On the Conference's behalf she wished to thank the members who would continue to serve on the Committee and the newly elected member for undertaking to serve the Agency in that way. She also wished to express sincere appreciation to Mr. Arrouchi for his services on behalf of the Agency and to wish him well for the future.

REPORT ON CONTRIBUTIONS PLEDGED TO THE TECHNICAL CO-OPERATION FUND FOR 1999
(GC(42)/18/Rev.4)

254. The PRESIDENT, drawing attention to document GC(42)/18/Rev.4, said that, by 5 p.m. on 24 September 1998, the contributions pledged by Member States to the Technical Co-operation Fund had amounted to only US $8 903 496. Since then, $59 130 had been pledged by Belarus, $400 000 by Brazil, $121 180 by Malaysia, $113 880 by Thailand and $20 000 by Uruguay, bring the total amount pledged to $9 617 659.

255. She urged those delegations which had not yet done so to make their 1999 pledges and also to pay their contributions in full at the earliest opportunity, in order that the Secretariat might submit to the Technical Assistance and Co-operation Committee a proposed technical co-operation programme for 1999 based upon reasonably assured resources and subsequently implement the approved programme without hindrance or uncertainty.

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST
(GC(42)/15 and GC(42)/24)

256. The PRESIDENT said - following a discussion involving Mr. BENMOUSSA (Morocco), Mr. RITCH (United States of America), Mr. ARMOUTI (Jordan), Mr. AL-GHAIS (Kuwait), Mr. SARWAT (Egypt), Ms. FREUDENSCHUSS-REICHL (Austria, speaking on behalf of the European Union) and Mr. ELBARADEI (Director General) - that she took it that the General Conference was ready to adopt, with appropriate clerical adjustments, resolution GC(42)/RES/25, "Application of IAEA safeguards in the Middle East", in place of the draft resolution contained in document GC(42)/24, which the sponsors of that draft resolution were not pressing.

257. It was so decided.

258. Mr. BENMOUSSA (Morocco) said that, although his delegation had gone along with the consensus, it disassociated itself from the text of the resolution just adopted, which did not go far enough.

259. Mr. AYATOLLAHI (Islamic Republic of Iran) said that his delegation and the delegations of several other countries belonging to the Organization of the Islamic Conference had not been consulted on the compromise resulting in the decision just taken. Although his delegation had gone along with the compromise, it considered the resolution just adopted to be far too weak.

260. He wished to use the opportunity in order to draw the Conference's attention to a new danger that had arisen in the Middle East - namely, structural cracks in Israel's Dimona reactor. If the cracks spread, there was a risk of transboundary radioactive contamination. The reactor was not under Agency safeguards, so there was no way of checking on the cracks.

261. Mr. AL-GHAIS (Kuwait) said that failure to consult with the delegations of some countries belonging to the Organization of the Islamic Conference should not be regarded in any way as a sign of disrespect for that body. There had been very little time for consultations. None the less, he wished to apologize to those delegations of countries belonging to the Organization of the Islamic Conference which had not been consulted.

262. Mr. OTHMAN (Syrian Arab Republic) said that, although his delegation had gone along with the compromise, it objected to the fact that Israel was not mentioned in the resolution just adopted. There could be no nuclear-weapon-free zone in the Middle East unless Israel acceded to the NPT, to which all other countries in the Middle East had acceded.

ISRAELI NUCLEAR CAPABILITIES AND THREAT
(GC(42)/8 and GC(42)/25)

263. Mr. RITCH (United States of America) said that, after intensive consultations, agreement had been reached between the League of Arab States, Egypt and the United States that the agenda item "Israeli nuclear capabilities and threat" would be dealt with in the following way: the draft resolution contained in document GC(42)/25 would be withdrawn by its sponsors and, instead, the President would read out a statement - for endorsement by the Conference - regarding the Conference' s treatment of that item.

264. Mr. QASHUTT (Libyan Arab Jamahiriya) said that in going along with the procedure just outlined his delegation was not recognizing Israel, whose current policies were foiling all initiatives aimed at ridding the Middle East of weapons of mass destruction.

265. The PRESIDENT read out the following statement:

> "The General Conference recalls the statement by the President of the thirty-sixth session of the General Conference in 1992 concerning the agenda item "Israeli Nuclear Capabilities and Threat". That statement considered it desirable not to consider that agenda item at the thirty-seventh session. At this forty-second session, this item was, at

the request of certain Member States, re-inscribed on the agenda. The item was discussed. The President notes that certain States intend to include this item on the provisional agenda of the forty-third regular session of the General Conference."

266. The Conference endorsed the presidential statement.

267. Mr. AL-GHAIS (Kuwait) said that the delegations of the Arab Member States had agreed to accept the presidential statement purely in the interests of achieving consensus. Their action did not mean that they were satisfied with Israel's policies, which were seriously endangering the peace process.

268. Mr. OTHMAN (Syrian Arab Republic) said that the intention to include the item "Israeli nuclear capabilities and threat" in the agenda for the Conference's next session was in keeping with the worldwide desire for complete nuclear disarmament. Israel constituted a threat to all countries, not just the countries of the Middle East, as it possessed long-range means of nuclear weapons delivery.

269. Mr. AYATOLLAHI (Islamic Republic of Iran) said that his delegation had only very reluctantly gone along with the procedure just followed as, in the light of developments in the Middle East, it was not at all optimistic about the future of the so-called "peace talks". Several years had passed without the Israeli nuclear threat being banished from the Middle East. It was time that tangible progress was made in implementing the operative paragraphs of the resolutions adopted under the agenda item "Israeli nuclear capabilities and threat" in earlier years.

CLOSING OF THE SESSION

270. The PRESIDENT said that, before closing the session, she would like to thank everybody present, particularly the interpreters, for their patience and the Spanish Translation Section for the linguistic assistance it had provided to her as President.

271. Mr. RYDZKOWSKI (Poland), speaking on behalf of Mr. Niewodniczanski, President of the Conference at its 1997 session, expressed appreciation of the excellent manner in which the President had directed the proceedings of the Conference. In spite of the many important and difficult issues which had arisen, she had steered the Conference to a successful conclusion with great diplomatic flair and a sure female touch.

272. The PRESIDENT invited the Conference, in accordance with Rule 48 of the Rules of Procedure, to observe one minute of silence dedicated to prayer or meditation.

All present rose and observed one minute of silence.

273. The PRESIDENT declared the forty-second regular session of the General Conference closed.

The meeting rose at 3.25 a.m.